



violated: “Plaintiff generally alleges his First and Fourth Amendment rights were violated without further information”; “Plaintiff makes no further allegations of who did what to him and what he wants the court to do”; “Plaintiff alleges as injuries: ‘civil injury, continuing injury, direct injury, legal injury, [and] personal injury’”; and, as relief “Plaintiff requests ‘injunction relief, extraordinary relief.’” ECF No. 20 at 3 (citing ECF No. 14 at 6, 7).<sup>1</sup> The Magistrate Judge notes that Plaintiff alleges the event giving rise to his claims occurred on November 13, 2018. ECF No. 20 at 4 (citing ECF No. 14 at 5).<sup>2</sup> The Magistrate Judge finds that any such claim is barred by the applicable statute of limitations. *Id.* (citing S.C. Code Ann. § 15-3-530). For these reasons, the Magistrate Judge recommends the court summarily dismiss this action without issuance and service of process.

Pursuant to *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005), the Magistrate Judge advised Plaintiff of his right to file an objection to the Report and Recommendation. ECF No. 20 at 7. To date, Plaintiff has not filed an objection to the Report and Recommendation and the deadline for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight and the responsibility for making a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The court reviews de novo only those portions of a magistrate judge’s report and recommendation to which specific objections are filed

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<sup>1</sup> The court adopts the Magistrate Judge’s summary of the applicable legal standards herein without recitation.

<sup>2</sup> As the Magistrate Judge discusses in the Report and Recommendation, Plaintiff’s pleading and supporting attachments along with public records show that Plaintiff was arrested pursuant to a warrant, indicted, and ultimately convicted by a jury for kidnapping, attempted armed robbery, armed robbery, and a weapons offense in September 2018 in Anderson County for crimes committed in early 2017.

and reviews those portions which are not objected to—including those portions to which only “general and conclusory” objections have been made—for clear error. *Diamond*, 416 F. 3d at 315; *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Opriano v. Johnson*, 687 F.2d 44, 77 (4th Cir. 1982). The court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The court has thoroughly reviewed the record and concurs in the Magistrate Judge’s recommendation. The Report and Recommendation, ECF No. 20, is incorporated herein by reference. The case is summarily dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

May 26, 2022  
Charleston, South Carolina

/s/Margaret B. Seymour  
Margaret B. Seymour  
Senior United States District Judge